IN THE HIHG COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 1133 (S/S)07

Ganesh Prakash S/o Sri Hari Sharan,
R/o village & P.O. Bhatia, Naugaon,
Tehsil Badkot, District Uttarkashi. ----Petitioner.

Vs.

1. State of Uttarakhand through Secretary,
   Medical Health & Family Welfare Department,
   Govt. of Uttarakhand, Dehradun,
2. Director, Homeopathy,
   Directorate of Homeopathic, Uttarakhand,
   Dehradun. ----Respondents.

Sri Anil Dabral, learned counsel for the petitioner.
Sri N.P. Sah, learned Standing Counsel for the State of Uttarakhand/respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Anil Dabral, learned counsel for the petitioner and Sri N.P. Sah, learned Standing Counsel for the State of Uttarakhand/respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of mandamus directing the respondents to correct the calculation error in the aggregate marks of the petitioner and after correction of the same appoint the petitioner on the post of Homeopathic Pharmacist,

ii. Issue any suitable writ, order or direction which this Hon'ble Court may deem fit and proper on the basis of the facts and circumstances of the case,

iii. Award the cost of the petition to the petitioner.

Stand of the petitioner is that in pursuance of the advertisement dated 14.12.2005; the petitioner has applied for the post of Pharmacist, Homeopathic Department. The petitioner belongs to a reserve category candidate (O.B.C. Category). After selection was made on the post of Pharmacist the petitioner has found that the persons, who have been appointed, have got less quality point marks than the petitioner. Submission of the petitioner is that in the combined merit list the name of the petitioner has been shown at Serial No. 75 and total aggregate marks obtained by the petitioner are shown as 91 and the total quality point marks are shown as 16.6. Apparently, the respondents have wrongly calculated the quality point marks so far the petitioner is concerned. Had the marks of petitioner been calculated correctly; its aggregate would come 18.2 instead of 16.6 and the petitioner should have stood at rank-I in the reserved category, even the petitioner would have got selection in the general candidates' merit list, thus the petitioner is entitled for being appointed.

In this regard raising all his grievances, the petitioner has already moved a representation dated 16th June 2007 before the Director, Homeopathic Department, Govt. of Uttarakhand, Dehradun, contains as annexure no. 5 to the writ petition and the same is still pending before the Director i.e. respondent no.2.

During the course of arguments, learned counsel for the petitioner has submitted that the respondent no. 2 may be directed to take decision on the representation of the petitioner dated 16th June 2007 (annexure no. 5 to the writ petition) within the period prescribed by this Court.

The prayer is innocuous.

Accordingly, I direct the Director, Homeopathic Department, Govt. of Uttarakhand, Dehradun/ respondent no. 2 to take decision on the representation of the petitioner dated 16th July 2007 (annexure no. 5), within a period of three weeks from the date of production of a certified copy of this order before him.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

August 21, 2007:
NCM: